

REMARKS

Applicant concurrently files herewith an Excess Claim Fee Payment Letter and corresponding excess claim fee for one excess claim.

Claims 1-26 are all of the claims presently pending in the application. Applicant has not amended the previously pending claims by the present response. Applicant has added claim 26 to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-4, 6, 7, 11, 14-16, 20, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephan (U.S. Patent No. 5,748,185) in view of Debrus et al. (U.S. Patent No. 5,598,527) and further in view of Rowe (U.S. Patent No. 6,559,833). Claims 5 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephan in view of Debrus, and Rowe, and further in view of Vanderheiden (U.S. Patent No. 6,049,328). Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephan in view of Debrus and Rowe, and further in view of Vanderheiden (U.S. Patent No. 6,384,743; hereinafter “Vanderheiden 2”). Claims 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephan in view of Debrus and Rowe, and further in view of Serravalle, Jr. (U.S. Patent No. 4,631,525). Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephan in view of Debrus and Rowe, and further in view of Takahashi (U.S. Patent No. 4,954,967).

Applicant respectfully traverses these rejections in the following discussion.

I. THE PRIOR ART REJECTIONS

A. The Alleged Combination of Stephan, Debrus, and Rowe

The Examiner alleges that one of ordinary skill in the art would have combined Stephan with Debrus and Rowe to teach the claimed invention of claims 1-4, 6, 7, 11, 14-16, 20, and 25. Applicant submits, however, that, even if combined, the alleged combination of references does not teach or suggest each and every feature of the claimed invention.

That is, the alleged combination of references does not teach or suggest, “a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line configured by one of a plurality of concave portions and a plurality of convex portions as a whole, including a fixed reference position, provided for each of the one of the plurality of concave portions and plurality of convex portions, on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of the plurality of concave portions and the plurality of convex portions”, as recited in exemplary claim 1 and similarly recited in exemplary claims 11 and 20.

In rejecting the claims, the Examiner relies upon Figure 13 of Stephan to support his allegations. The Examiner alleges that Stephan teaches the claimed display device, touch sensor, guide portion, and controller. The Examiner, however, is clearly incorrect.

In the embodiment disclosed in Figure 13, Stephan teaches a portable computer 280 having a touch screen 282. The touch screen 282 includes a plurality of regions 284, 286, and 288, which may be designated with visual or tactile cues (see Stephan at Figure 13 and column 12, lines 35-43).

The Examiner attempts to analogize the tactile clues of Stephan with the claimed guide portion (see Office Action dated June 3, 2009 at page 3). The touch screen 282 of Stephan, however, merely includes a plurality of regions. There is no disclosure in Stephan to suggest that anything projects from a surface of the touch screen 282 in the portable computer 280 embodiment illustrated in Figure 13 of Stephan. Indeed, the touch screen 282 is illustrated as a flat surface in Figure 13.

The Examiner further alleges that Figure 7 of Stephan discloses a protruding guide portion, as recited in the claimed invention (see Office Action dated June 3, 2009 at page 3).

Figure 7, however, illustrates a distinct embodiment from that illustrated in Figure 13. Applicant submits that it is improper to combine features from distinct embodiments in a disclosure without a specific teaching to combine those elements.

The embodiment illustrated in Figure 7 of Stephan includes a touchpad (not a portable computer with a touch screen) having an opening in a portion of the touchpad case and a plurality of ridges 182/184 disposed on the touchpad. A textured edge 192/194 is disposed within the opening. The ridges and textured edge provide tactile information to the user (see Stephan at column 10, lines 46-62).

While Stephan generally indicates that a touchpad layout may be incorporated into a portable computer (see Stephan at column 12, line 35), Stephan does not teach or suggest incorporating the ridges 182/184 or textured edge 192/194 into the portable computer embodiment illustrated in Figure 13 of Stephan.

Thus, Stephan fails to teach or suggest each and every feature of the claimed invention. Furthermore, Applicant submits that Debrus and Rowe fail to make up the deficiencies of Stephan. Indeed, the Examiner does not even allege that Debrus or Rowe teaches or suggests

“a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line configured by one of a plurality of concave portions and a plurality of convex portions as a whole, including a fixed reference position, provided for each of the one of the plurality of concave portions and plurality of convex portions, on a surface of the touch sensor graphically identified on said display surface and located between a vertex and a center of one of the plurality of concave portions and the plurality of convex portions”, as recited in exemplary claim 1 and similarly recited in exemplary claims 11 and 20.

Therefore, Applicant submits that, even if combined, the alleged combination of references does not teach or suggest each and every feature of the claimed invention. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

B. The Secondary References

The Examiner alleges that one of ordinary skill in the art would have combined Stephan with Debrus, Rowe, and Vanderheiden to teach the claimed invention of claims 5 and 8-10. Furthermore, the Examiner alleges that one of ordinary skill in the art would have combined Stephan with Debrus, Rowe, and Vanderheiden 2 to teach the claimed invention of claims 12 and 13. Furthermore, the Examiner alleges that one of ordinary skill in the art would have combined Stephan with Debrus, Rowe, and Serravalle, Jr. to teach the claimed invention of claims 17-19. Finally, the Examiner alleges that one of ordinary skill in the art would have combined Stephan with Debrus, Rowe, and Takahashi to teach the claimed invention of claims 21-24.

Applicant submits, however, that claims 5, 8-10, 12, 13, 17-19, and 21-24 are

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allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1-4, 6, 7, 11, 14-16, 20, and 25.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw these rejections.

II. NEW CLAIMS

Applicant has added new claim 26 to claim additional features of the invention to vary the protection for the claimed invention further. These claims are independently patentable because of the novel and nonobvious features recited therein.

New claim 26 is allowable at least based on similar reasons to those set forth above with respect to claims 1-20, 23, 24, and 25.

III. STATEMENT OF SUBSTANCE OF INTERVIEW

As a preliminary matter, Applicant's representative would like to thank the Examiner for courtesies extended in the telephonic interview conducted on September 2, 2009.

Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the following was discussed:

A. Identification of claims discussed:

Claims 1-25.

B. Identification of prior art discussed:

Stephan.

C. Identification of principal proposed amendments:

None. Applicant's representative presented a proposed new claim 26.

D. Brief Identification of principal arguments:

Applicants' representative presented arguments similar to those set forth above in section I.

E. Results of the Interview:

The Examiner indicated that he would reconsider the claimed invention in view of Applicant's traversal arguments.

With respect to new claim 26, the Examiner indicated that the cited references did not appear to teach or suggest the features recited therein.

IV. FORMAL MATTERS AND CONCLUSIONS

In view of the foregoing, Applicant submits that claims 1-26, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicant respectfully requests the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicant requests the Examiner to contact the undersigned at the local telephone number

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listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: September 3, 2009

Respectfully Submitted,



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